

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JAMES WILLIAMS,

Plaintiff,

v.

F.N.U. CLARK, et al.,

Defendants.

Case No. 2:14-cv-00414-APG-PAL

REPORT OF FINDINGS AND  
RECOMMENDATION

(Mtn for TRO – Dkt. #23)  
(Mtn for Prelim. Inj. – Dkt. #24)

This matter is before the court on Plaintiff James Williams' Motion for Temporary Restraining Order (Dkt. #23) and Motion for Preliminary Injunction (Dkt. #24) filed February 25, 2015,<sup>1</sup> and which were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and LR 1-4. The court has considered the Motions.

Plaintiff is a prisoner proceeding in this case pro se and in forma pauperis. Pursuant to 28 U.S.C. § 1915, the court screened Plaintiff's Complaint (Dkt. #11). *See* Screening Order (Dkt. #9). The court found the Complaint stated a claim under the Fourth Amendment for an unreasonable seizure of Plaintiff's personal property against Defendants Firestine, LaVessieur, Fincher, LeHeay, Kompman, Johnson, Jane Doe, John Does ##1, 2, 6, and 7, and Sergeant John Doe. The court dismissed all of Plaintiff's other claims with leave to amend. Plaintiff did not timely file an amended complaint by December 17, 2014 as ordered. Therefore, only his Fourth Amendment unreasonable seizure claim remains pending. The Motions for Temporary Restraining Order and Preliminary Injunction seek injunctive relief related to Plaintiff's Complaint allegations that Defendants violated 18 U.S.C. § 1951. The court dismissed this claim

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<sup>1</sup> The Motions are contained within the same document, but because Plaintiff requests two different forms of relief, the Clerk of Court docketed the submission as separate entries pursuant to the court's Electronic Filing Procedures.

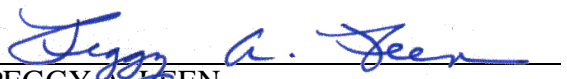
1 with leave to amend and Plaintiff did not file an amended complaint within the time allowed.  
2 *See* Screening Order (Dkt. #9).

3 Accordingly,

4 **IT IS RECOMMENDED:**

- 5 1. Plaintiff's Motion for a Temporary Restraining Order (Dkt. #23) be DENIED.  
6 2. Plaintiff's Motion for Preliminary Injunction (Dkt. #24) be DENIED.

7 Dated this 12th day of March, 2015.

8   
9 PEGGY A. LEEN  
10 UNITED STATES MAGISTRATE JUDGE

11 **NOTICE**

12 These findings and recommendations are submitted to the United States District Judge  
13 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
14 after being served with these findings and recommendations, any party may file written  
15 objections with the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing  
16 to object to the findings and recommendations of a magistrate judge shall file and serve *specific*  
17 *written objections* together with points and authorities in support of those objections, within  
18 fourteen days of the date of service of the findings and recommendations. The document should  
19 be captioned "Objections to Magistrate Judge's Findings and Recommendations." The parties  
20 are advised that failure to file objections within the specified time may waive the right to appeal  
21 the district court's order. *See Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). The points and  
22 authorities filed in support of the specific written objections are subject to the page limitations  
23 found in LR 7-4.